#### COLWELL'S SUIT GETS A BLACK EYE.

a Reversal of His De-

Examination Which Lasted Six Hours-Ruling on the Hypothetical Question.

Three events, separated by long intervals, dispelled for a moment yesterday the heavy evil images which the trial of the eral Sessions yesterday to see William Jay

Mr. Colwell had testified that he had learned from personal examination the inutility of the treatment which Dr. Tinker said was the reason for his cail on Mrs. Colwell on the night of January 7, 1895. The Appeliate Court decides that Mr. Colwell's statement in that respect is incompetent and of no value. The Court's reversal sends the case to another referee with costs to the appellant.

The third startling event in yesterday's trial was Judge Bischoff's refusal to allow the famous hypothetical question, which, in brief, is: "If you were guilty, would you, to save a woman's honor, perjure yourself and deny?"

Mr. Colwell's attorney put the question in

Mr. Colwell's attorney put the question in two different forms to Dr. Tinker, but the Doctor's lawyer objected each time with the same haughty formula, "What would fance to the number 40 and its combinations."

become of the niceties of polite manners if such an inquisition were permissible? Judge Bischoff approved.

Dr. Thiker was submitted to the most painstaking cross-examination for six hours at least, and his behavior was calm, almost lymphatic. He had to remember dates of the month and cays of the week of years go. His bills for professional services were shown to him and put in evidence of contradlet him, indoired with details and dates of his calls on the Colwell amily.

Mr. Colwell was enreful not

ter had charged in one bill \$115, and Colwell's attorney almost convinced that he had committed an error in amar, at least; but the fault was in touation, and Dr. Tinker had allowed bute of \$15 to Mr. Colwell.

e cross-examiner went over Dr. Tinker's mony of yesterday without making the less discredit it, and the cross-examiners work was done so painfully that the Bischoff reproached him twice for g too slow.

udge Bischoff reproached him twice for eing too slow.

"Who let you in Mss. Colwell's house bout midnight. January 7, 1895?" the ross-examiner asked.

"Mrs. Colwell." Dr. Tinker replied.

"How was she dressed?"

"In a woollen gown."

"Was the door burst in suddenly?"

"Yes."

Yes."
What did you say?"

"Nothing."
"If the door was burst in suddenly, it was locked; if it was locked, why was it locked?" asked the seventh juror.
"If it was locked," Dr. Tinker replied, "I don't know why it was, I didn't lock it."

lock it."
"Did Mrs. Colwell lock it?" nsked Mr. Colwell's lawyer.
"I don't know. It may have been locked from the outside." Dr. Tinker replied.
The case is to be continued to day. The defence will try to prove by Mrs. Colwell's deposition that Mr. Colwell nad no other cause of irritation against her than that she liked Japanese art objects and cabbage soup, while he, Colwell, stood for chicken with cresses, and classic furniture.

MADE FUN OF THE BRIDE. Then Barber Gasco Got Angry and Stabbed His Tormentor,

Garrato Gasco, who describes himself as "select barber and hair cutting srtist," married Miss Lorenzo two weeks ago. The bride is a triffe old, but her fund of common sense, Gasco says, makes up for that

mon sense, Gasco snys, makes up for that drawback.

His cousin, Joseph Iseia, of No. 2353 Pacific street, called to see him in his flat, at Stone avenue and Pacific street, Brooklyn, Thursday alght. Mrs. Gasco entered the sitting room and Gasco introduced her to his cousin.

"This is my bride," he said.

The latter hughed right in her face and asked Gasco:

"Where did you get her? She is old enough to be your mother-in-ins."

Isela continued to laugh, increasing Gasco's auger until it reached the bolling point. Gasco drew a knife and slashed Isela's face. He was arrested and held for examination by Justice Kramer yesterday.

QUEEN OF HOLLAND DAMES. Carrie H. Lupton So Signs Incorporation E140

Articles of a New Society. Hartford, Feb. 5.—In the Secretary of State's office there has been filed the articles of incorporation of the Connecticut Holland Dames of the New Northerlands, who Holland Dames of the New Netherlands. The purpose of the society is to perpetuate the Lord knows the case out that. We have memory and promote the principles of the Dutch ancestors of its members, as well as the early Dutch settlers of the Western Hemisphere. The membership is to be exclusively of women except as to honorary officers.

### DRUG FIENDS 60

It Comes in the Shape of They Are Greatly Interested in His Trial for

He Was Subjected to a Rigid Cross- He Shows No Evidence of Having Drugged Himself, but Dreams Through the Greater Part of the Day.

suit of F. L. Colwell against Dr. Charles | Koerner, on trial for his life for shooting

A. Tinker provokes.

The first event, the presence of one girl Inthat audience of men, packed together and the door, these pale, hollow-eyed fiends

The first event, the presence of one girl in that audience of men, packed together and often chashed by the witnesses' realism impressed one as a delicate figure suddenly discovered in a forest of Gothic gurgoyles. She was beautiful. She had under long black eyebrows blue, assassinating eyes which she never lowered, and it was so astonishing that she come to stay that many persons heedlessly laughed aloud. None knew her and all were discreet enough not to ask her to tell her name or why she came.

The second event sent a thrill through the judge and the lawyers. These were called by him to learn in whispers that the decree of divoyce granted to Frederick L. Colwell, the decree which prompted his suit against Dr. Charles A. Tinker for damages estimated at \$50,000, had just been reversed by a decision of the Appellate Division of the Supreme Court.

The suit continues—it could not be interrupted or adjourned—but the opinion of the Court, rendered by Justice Van Brunt and Justice Patterson, the latter dissenting, will, if Dr. Tinker's artorney any do as he wishes, counterbalance before the jury bas been anywhere nearly distinct the funny little chemist who was pleked out of the panel Thursday, came yesterday Christopher MacDougall, a gray-bearded, white-haired insurance man, who proved to the satisfaction of both sides that he had no serversed by a decision of the Appellate Division of the Supreme Court.

The suit continues—it could not be interrupted or adjourned—but the opinion of the Court, rendered by Justice Van Brunt and Justice Patterson, the latter dissenting with a man who drank to excess. It came out yesterday that District-Attorney Grieving and asked how it was he was so slow about getting started. He was told it was necessary to go slow in a case where insanity was the defence, but did not seem to be satisfied. He spent the day in his private office studying the case.

Forty-one talesmen were examined yes-

WITHOUT STATE

Lawyer Levy has at his side Dr. Heinrich Stern, of Lexington avenue and Seventy-second street, an alienist of repute,
who is aiding him to pick out his jurymen.
This physician is fully impressed, after
careful study of the defendant in court and
outside, that he is an epileptic. With two
panels exhausted, the defence has used six
peremotory challenges out of thirty, while
the neopie have used only three.

Weller Was Killed, and Will
Turn Queen's Evidence.

San Francisco, Feb. 5.—Murderer Frank
butler, or Richard Ashe, as he now calls
himself, has formed a plan by which he
hopes to clear himself from the charge of
murdering Lee Weller. He says nothing,
however, as to how he will attempt to

too bright. What is wanted is a jury of romantic turn, men who will sympathize with the dreams of love and hate that filted through the mind of the degenerate defendant.

Says He Was Three Miles Away When Weller Was Killed, and Will

a Reversal of His Decree of Divorce.

Murder.



LILLIAN WESTBERG.



JAMES WESTBERG\_

THE ATTACK IN THE COURT ROOM-

Westberg Throttles His Sister's Assailant in Court. When Mealey was arraigned before a Brooklyn Justice to answer to a charge of making an indecent assault upon Miss Lillian Westberg, he pleaded not guilty. Her brother, despite the efforts of his friends, sprang upon the prisoner, seized him by the throat and bore him to the floor, crying out that he wanted to kill him. The women screamed, and Miss Westberg went into hysteries, while the spectators jumped upon the benches and cheered the enraged brother on. After some time the court officers and policemen rescued Menley and took him to jail,

am positive that my innocence will be established on my return."

The Australian detectives place no redence in the statements of Butler that he can establish an allid or escape by graing Queen's estilence.

BOGUS BRYAN BOOK STOPPED.

Former Presidential Candidate's Publishers Obtain an Injunction in Chicago. Chicago, Feb. 5 .- The "Bryan Book" injunction has been disposed of by Judge Horton in favor of W. B. Conkey & Co. The court issued a restraining order against the Hubbard Publishing Company and the Dominion Publishing Company preventing them from publishing any book which MEALEY BADLY SCARED.

Mealey is the bigger man of the two. but the suddenness of the other's on-slaught gave him no chance. Westberg would certainly have hurt the man badly but for the interference of the court officers. Police Inspector Clayton and Park Policeman McFarland, who had apprehended some such scene, ran to the prisoner's assistance to the music of falling settees and the shrill shricks of the women in the court room. Westberg and his stater's assaliant were soon separated, but the young man kept shouting.

"I want to kill him; let me at him, the dirty loafer!"

The Justice Forgave Him.

The Justice Forgave Him. Justice Steers admonished Westberg that he had overstepped the bounds, but

## WEBER DEAD AND BELMONT BUYS HIS

ture of the Skull Proves Fatal.

Ticket Agent Foley and Chopper Plan to Freeze Out Undesirable McCoy Accused of Killing the Horsedealer.

THEY ADMIT THE QUARREL OLIVER ACTED GENEROUSLY.

a Mortal Blow at the Ninth Street "L" Station.

and Third avenue "L" station Thursday evening. The ticket agent and ticket chopper on duty at the time were held for examination yesterday afternoon on a charge banker, chairman of the State Racing Com-

Mrs. King Is Now on Trial for Bigamy, While Her Three Spouses Exchange

# THE "L" MEN HELD. BROTHER'S STABLES.

Remarkable Circular Frac- August Now the Owner of O. H. P.'s Property on Hempstead Plains.

A HEAVY WEAPON USED. PRICE PAID ONLY \$5,000.

Persons Who Wished to Purchase.

The Struggle Witnessed by Two All of His Interests Are Now Centred in Friends of the Man Who Received Newport, He Says - Had No Further Use for the Place, and So He Let It Slip Away from His Control.

Charles L. Weber died in Bellevue Hos- Oliver H. P. Belmont yesterday sold the pital yesterday from injuries received on property he owned at Hemstead, L. I., the downtown platform of the Ninth street and Thomas T. Rushmore, a druggist in of homicide.

Headquarters Detectives Milburn and Mcls the new owner, and that Mr. Rushmore

Difficulty and Took Him

Back to Jail.

While John Mealer, tairty-five years old, of No. 105 Walworth street, was being taken back to jail yesterday from the Grant Street Police Court, where he was arraigned for an assault, on Thursday night, in a lonely street in Flatbush, upon Miss Lillian Westberg, the girl's brother, who was in court; rushed at the prisoner, caught him by the throat, and, throwing lim heavily to the floor, attempted to strangle him. Mealey is the bigger man of the two, but the suddenness of the other's on-slaught gave him no chance. Westberg

Lillian Westberg, the girl's brother, who was in court; rushed at the prisoner, caught but the suddenness of the other's on-slaught gave him no chance. Westberg

Lillian Westberg and the prisoner and the was found that Weber, Schults or Zoesner had been drinking. At the hospital it was found that Weber's skull was fractured at its base.

The police anticipate little trouble in proving that the mortal blow was struck by Foley, the ticket agent. Captain O'Brien. of the past week chims which ga to show that the late editor. Joseph B, Mctullagh, was one of twenty children—nine sisters and eleven brothers. These claims of great pain at the back of his head. He said the chopper had strack him with his nose seemed broken, while he compalated to take the man to Relevan topping and his nose seemed broken, while he compalated to take the man to Relevan Hospital.

Weber a vee were blackening and his nose seemed broken, while he compalated to take the man to Relevan Hospital.

Weber a vee were blackening and his had the chopping and his nose seemed broken, while he compalated to take the man to Relevan Hospital.

Weber a vee were blackening and his nose defined the past week chims which he past

#### WEAK, BACK!

WHAT IT MEANS.











Lone Girl at the Colwell Trial.

officers.

The operation of the society is to extend to any purt of the world where the Dutch have settled. The principal officer is the "Queen," whose position is similar to that of a president. The articles of incorporation are signed by Carrie H. Lupton, who signs herself "Queen of the Connecticut Holland Dames of the New Netherlands."

The distended to let the boy make some pleanes, but I see it wont do. He might prejudice his case by it. Jurors are not supposed to see the papers, but as a matter of fact they go. When I came into court this morning the first thing I saw was voight calmly reading the story of the day be re."

The defen a light prejudice his case by it. Jurors are not supposed to see the papers, but as a world the papers, but as a world to suppose to see the papers, but as a world the papers, but as a world to suppose to see the papers, but as a world to suppose to see the papers, but as a world to suppose to see the papers, but as a world to suppose to see the papers, but as a world to suppose to see the papers, but as a world to suppose to see the papers, but as a world to suppose to see the papers, but as a world to suppose to see the papers, but as a world to suppose to see the papers, but as a world to suppose to see the papers, but as a world to suppose to see the papers, but as a world to see the papers, but as a world to see the papers, but as a world to see the papers, but as the might prejudice his case by the suppose to see the papers, but as a world to see the papers, but as a wor